

REMARKS

Claims 1-3, 5-13 and new dependent claim 14 are pending in this application.

Claims 1-3 and 5-12 stand rejected in the Final Office Action dated July 14, 2008 as being unpatenable over Kiumi Hideo (JP-2001-313701, hereinafter "Hideo") in view of Iijima Takahiro (JP-2001-298513, hereinafter "Takahiro"). In response, Applicant has amended independent claim 1. Claim 13 is objected to as dependent on rejected independent claim 1.

According to claim 1, the portable terminal includes a control device which switches a display screen on the display unit between the first selection screen and the second selection screen in accordance with a state detected by the state detecting device. Independent claim 9 is similar. As amended, claim 1 now provides that the first display unit displays items and allows a selection to be made using the auxiliary input unit. Because of the claimed configuration, it is possible to display a first selection screen which allows a selection to be made using the auxiliary input unit when both of the housings are in the closed state and thus the main input unit cannot be operated, and to display a second screen which is easy to see and which allows a selection to be made using the main input unit while fully exercising function of the main input unit. Claim 9 provides an advantageous orientation of the items, namely, the first selection screen arranges items one-dimensionally when both housings are in the closed state and the second selection screen arranges items multi-dimensionally when both of said housings are in the opened state.

In rejecting the claims, the Examiner mainly relies on Hideo and Takahiro. In contrast to amended claim 1 and claim 9, Takahiro and Hideo do not disclose a control device having the advantageous effects described above. Indeed, the Examiner acknowledges that Hideo "fails to disclose a screen on said display unit [that] is able to display a first selection

screen which is appropriate for an operation by said auxiliary operation unit when both of said housings are in said closed state . . .” Office Action at 8. Unable to find the control device in Hideo, the Examiner asserts that Takahiro teaches “a screen on said display unit [that] is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit (scrolling key 9, [0022]) when both of said housings are in said closed state. . .” Office Action at 8. However, the Examiner completely misconstrues Takahiro. Rather Takahiro explains “in a state in which the lid 5 is opened, the mode selection image 10 as shown in FIG. 4(a) is normally displayed on the display 6 provided in the lid 5” (See paragraph [0028]), and “when the lid 5 is closed after the lid 5 is rotated by 180° about the second rotational axis 4b of the hinge 4, the lid 5 can be placed in a closed state while the display 6 is exposed to outside, and the mode selection image 10 is still displayed on the display 6, as shown in FIG. 3(c)” (See paragraph [0034]). The translation provided by the Examiner with the 12/12/2007 Office Action confirms that “mode selection screen 10” is displayed when “covering device 5 is opened” (See paragraph [0028] of translation provided by Examiner) and confirms that “mode selection screen 10” is displayed when “covering device 5 is closed” (See paragraph [0034] of translation provided by Examiner). Thus, Takahiro does not disclose or suggest a concept of switching of the screens between a first selection screen and a second selection screen **which is different from the first selection screen** in accordance with a state (open state or closed state) detected by the state detecting device.

New claim 14 depends from claim 2 and is allowable for the same reason that claim 1 is allowable. Furthermore, according to the portable terminal of claim 14, the main input unit includes a key capable of being operated in a direction of an arrangement of the items on the second screen, and the auxiliary input unit includes a lever capable of being operated in a direction of an arrangement of the items on the first selection screen. Based on this

configuration, further advantages are obtained, i.e., it is possible to display a selection screen which is easy to see in either closed state or open state of the housings while fully exercising functions of the main input unit and the auxiliary input unit. The device of claim 14 is not disclosed in Hideo or in Takahiro or in their combination.

All other pending claims, claims 2, 5-8 and 10-13 are allowable for the same reasons independent claims 1 and 9 are allowable. As noted, claim 13 is independently allowable for the reasons given in the Office Action.

For at least the reasons set forth above, Applicant respectfully submits that all pending claims are in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicant's undersigned counsel if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-58.

Respectfully submitted,

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